

Tony Sheldon National Secretary

PUBLIC SUBMISSION

Department of Infrastructure, Transport, Regional
Development and Local Government

IN RESPONSE TO

Towards a National Aviation Policy Statement
Issues Paper
April 2008

BY

Transport Workers Union of Australia
3 July 2008



NSW State Secretary
Tony Sheldon

Vic/Tas State Secretary
Bill Noonan

Qld State Secretary
Hughie Williams

WA State Secretary
Jim McGiveron

SA/NT State Secretary
Alex Gallacher

Tony Sheldon National Secretary

3 July 2008

Aviation Issues Paper – Submissions
Department of Infrastructure, Transport, Regional Development and
Local Government
GPO Box 594
Canberra ACT 2601

Dear Mr Borthwick

Please find attached the Transport Workers Union of Australia's submission in response to the Aviation Issues Paper released 10 April 2008.

The Transport Workers Union is the largest trade union in the aviation industry representing workers involved in freight, baggage handling, transport, cleaning, logistics and catering. The members of the Transport Workers Union are the people who maintain, operate and administer Australia's aviation industry on a daily basis.

Much of Australia's economy relies on the flow of people and goods that aviation provides. The growing global interdependence facilitated by aviation has helped reduce any limitations Australia experiences because of its' geographical separation and vastness.

The importance of the aviation sector to the Australian economy dictates a need for strong and effective legislation. Benchmarks need to be established for levels of safety, security, employee remuneration and investments in infrastructure for the greater national interest. The policy being considered in this Aviation Issues Paper needs to account for the future needs of all Australians who engage with aviation for leisure or commerce.

A national aviation commission must be established to represent the needs of both the community and industry stakeholders. The Australian aviation industry lacks a clear representative voice for reform and policy recommendations. A national aviation commission would remedy this problem.



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The Transport Workers Union encourages all levels of Government in Australia to continue the dialogue between stakeholders in aviation to reach objectives in efficiency, safety, security and environmental responsibility.

Yours Sincerely



TONY SHELDON
National Secretary
Transport Workers Union of Australia



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Executive Summary

The Australian aviation industry has experienced a period of unprecedented growth in both primary and secondary hubs over the last ten years. Increased passengers and freight numbers have allowed airline operators to expand operations and subsequently reap greater rewards for owners and shareholders. Simultaneously, the political climate has demanded a need for sophisticated security and safety measures.

If the Australian aviation industry is to continue to be at the forefront of business travel, tourism and freight it must re assess the way it facilitates this growth. A lack of policy initiatives has already seen reductions in safety, security and investments in traffic capacity. If these trends are allowed to continue it will bring long-term detriment for investment, training and infrastructure for the entire industry.

Lack of investment in a stable and long-term workforce has seen the wide spread introduction of labour hire casuals into security sensitive airside areas. With little to no security checks, this has compromised the security and safety systems currently in place. The use of labour hire is symptomatic of the damage the Workchoices policy of the previous Federal Government is having on Australian workplaces. A desire for unskilled and transient casual positions has supplanted the investment in long term, highly skilled employees wanting a career in aviation. The use of a transient workforce in such a security sensitive industry like aviation is unacceptable for Australia's national interests.

An inquiry needs to be made on the impact labour hire is having on the long-term skills and safety needs of the aviation industry. The Australian Government needs to address the eroding of safety and security issues through the current workplace reform agenda, in order to create a viable and highly skilled industry. The need for a legislated benchmark of entitlements for aviation employees is essential, in order to ensure a long-term and skilled workforce.

A lack of foresight from the previous Federal Government has seen investment in infrastructure and security at regional airports not keep pace with increases in flights and passenger numbers. The Liberal government lacked the ability to provide long-term security solutions for the growing importance of secondary hubs for the Australian aviation industry, and in turn compromised the security of primary hubs that receive this traffic.

The responsibility for compliance to safety, security and employment entitlements at Australian airports has long been under resourced. It is the argument of the Transport Workers Union that the infrastructure owners like SACL and APAC have responsibility for the standards under the contracts they control at airports around the country. Australian Infrastructure owners must work with Federal Government appointed bodies and independent bodies like Unions to ensure they enforce high quality of standards in companies that operate out of airports

The Wheeler report made recommendations on how the Australian aviation industry could best prepare for changing security demands. The Wheeler report made a few simple recommendations that have yet to implemented that the TWU sees as imperative. Firstly, the screening of all freight onboard passenger aircraft and comprehensive luggage screening would provide the sector with the security provisions expected by regulators and customers.

The aviation industry lacks a single unified body with the power to provide direction for aviation legislation. There needs to a national aviation commission with the responsibility of providing the Government with policy advice and recommendations for the future needs of the industry. This commission needs to represent all stakeholders in the industry.

List of Recommendations

1. Tri partite discussions, involving Government, Unions, and Employers must be held in order to establish a core group of enforceable minimum standards in relation to safety, security and employment conditions for all participants in the Australian aviation industry
2. That these standards must be uniform, must be enforceable, and must apply to areas of national interest in the aviation industry.
3. The continued involvement of the Federal Government in enforcing these uniform standards (See recommendation 1 above) is fundamental to the continued profitability, reputation and growth of the Australian aviation industry.
4. The Government take action to ensure that safety, security and employee entitlements are guaranteed and protected. Employers cannot be able to erode workplace standards and limit investment as a short-term solution to maximising returns. The Government should review this under the current workplace reform agenda.
5. The Federal Government guarantees that the responsibility for licensing, regulations and the administering of policy decisions remain in control of the Federal Government and bodies appointed by Federal and State Governments.
6. State and Federal Governments cooperate to ensure appropriate levels of investment in infrastructure, safety and security at regional ports.
7. In order to attract and secure skilled employees into the aviation sector the Federal Government must introduce nationally consistent awards. These awards must have application to employees and to contractors so as to ensure that employee entitlements are not subject to downward pressure from competition.

8. An appropriate determination be made on safe staffing levels and OH&S systems at Australian airlines to ensure low manning levels do not compromise safe working practises at Australian Airports.

9. Nationally consistent safety and security training packages for employees in the aviation industry. These training packages should be made compulsory to best equip the aviation workforce with the skills to address the safety and security issues specific to the aviation industry. That these training packages be constructed and delivered by appropriate industry bodies including union representatives.

10. There is a pressing need for a single co-ordinating body to deal with aviation safety and security in Australia. This body has the authority to deal with the hurdles that the industry faces, and comprises a tri partite commission to advise on solutions to aviation specific issues.

11. Passenger screening needs to be increasingly thorough. Regular reviews of screening procedures, equipment and training needs to be conducted by CASA in conjunction with security employees to ensure security is uniform and efficient.

12. Labour hire decreases safety and security standards in the Australian aviation industry. Therefore the use of labour hire in the aviation industry be prohibited. If this is deemed unattainable then a set of systems that allows for the auditing of labour hire usage by independent bodies like the Industrial Relations Commission and Unions.

13. The owners of aviation infrastructure take responsibility to ensure compliance to safety and security provisions by airlines and association aviation businesses leasing space under their control.

14. The Transport Workers Union is calling for a checked baggage weight limit of 20 kilograms so that aviation industry standards are in line with national occupational health and safety standards and international checked baggage weight trends.

1. The Australian aviation industry

1.1 International services

- Do Australia's international air services policies serve Australia's national interest and balance the need to have an Australian based industry with robust competition from international competitors? What should our negotiating priorities and approach be in the future?
- How might the Australian Government continue to develop improved competition and access to services while maintaining appropriate levels of aviation safety and security?
- Are the current restrictions on foreign airlines accessing the domestic market appropriate? Should we be encouraging more international airlines to operate from Australia to third markets?

1. The increasing numbers of international travellers into Australian airports has provided a boom period for the Australian aviation industry. In Melbourne alone, international passenger numbers have increased by 96.1% in the ten year period between December 1997 and December 2007¹. This boom has created substantial opportunity for growth in the Australian aviation industry by both Australian owned and foreign owned airlines.

2. The current hybrid of partial market deregulation and partial protectionism has created a scenario where the Australian aviation industry has been given neither full protection nor full access to competition. Under this system the two biggest operators in Australian aviation, Virgin Blue and Qantas, conduct business under different operating regulations.

3. This lack of consistency in the industry is symptomatic of a greater problem. Currently the aviation industry does not have the uniformity and regulation to allow industry wide standards. This includes a lack of comprehensive legislation dealing with issues of national importance like safety, security and infrastructure.

¹ Bureau of Infrastructure, Transport and Regional Economics, Monthly Airport Traffic Data: Jan 1997 to Dec 2007

4. The Australian domestic aviation market is currently one of the most deregulated aviation sectors in the world. There is a distinct competitive disadvantage for Australian based aviation operators as opposed to larger international airlines attempting to compete in the domestic market. National legislation must address the competitive factors that may limit the growth of Australian based operators in the domestic market. Whether the market be determined by deregulated or protectionist policy, there must be a uniformity of legislation to ensure Australian airline operators are not at a disadvantage.

5. If the uniformity of standards in the industry is to be achieved attention needs to be directed towards the growing number of players in the aviation industry that are state owned and therefore have access to resources not easily matched by those privately or publically owned. A policy of uniformity and equity in the aviation industry must acknowledge and legislate for the fact that many operators in the international market compete with an advantage that negatively impacts the ability for Australian aviation companies to remain competitive.

6. The current mix of protectionist and partial deregulation has created an economic environment where, in order to compete, aviation companies must drive down costs in order to remain competitive with foreign owned and larger airlines. This system coincides with a lack of regulation over a practical, safe and enforceable minimum set of standards for employee entitlements, safety, security and investment in infrastructure for the aviation industry. If this is allowed to continue we will see the further eroding of infrastructure, conditions and safety, to the detriment of the economy as a whole.

7. Tri partite negotiations must be held in order to establish a core group of minimum levels for safety, security and employment conditions for all airlines in the Australian aviation industry and these regulations must be enforced by federally empowered bodies with the resources to police such regulations with the seriousness they deserve.

8. The role of the Federal Government in enforcing this uniformity of standards in the aviation industry is fundamental to the continued profitability, reputation and growth of the Australian aviation industry.

1.2 Domestic services

- Does the deregulated domestic airline market remain the best model for delivery of Australia's interstate air services? Are there any constraints on the ability of Australian-owned airlines to remain competitive with foreign-owned airlines in the Australian market?
- Do the existing criteria strike the right balance between allowing Australian airlines to access global investment markets and promoting an Australian-based aviation industry?

1. The deregulated domestic market is not the best model for Australia's intrastate and interstate air services. At present, aviation companies use all avenues available to them to ensure profit is maximised and that operating costs and ticket prices are kept to a minimum. Unfortunately, one of the avenues available to airlines is to decrease expenditure on safety, security and worker entitlements. This has perpetuated a downward spiral of outsourcing, eroding of safety and a lack of investment in badly needed infrastructure in regional hubs.

2. The Transport Workers Union recommends that safety, security and employment conditions in the aviation industry adhere to a minimum set of enforceable standards in order to best serve the national interest.

3. In order to safeguard the long-term viability of the Australian aviation industry, safety, security and employee entitlements must be standardised to remove them from the paradigm of negative competitive forces. It is not in the national interest for aviation operators to continue to cost save in the areas of security, safety and worker entitlements. Standardised legislation and/or regulation will ensure that locally owned and foreign owned airlines will concentrate on competing in areas where competition is appropriate, i.e., such as quality of service, flexibility of service and value for money.

4. Provisions need to be made to ensure that the responsibility for licensing, regulations and the administering of policy remain in control of the Federal Government and bodies appointed by Federal and State Governments. Companies, whether they be operating airlines or operators of airports, should never be provided with the opportunity to self regulate and administer the allocation and testing of licensing and licensing procedures. National interest should always supersede the commercial interests of airline operators and those corporations currently leasing airports.

1.3 Regional and general aviation

- What should be the basis of Government and industry policy towards air services to regional and remote communities?
- Are security and safety measures adopted for major capital city trunk routes appropriate for regional and remote services? If not, what alternative measures could be adopted?
- What role should all levels of Government have in protecting secondary airport infrastructure and in providing for new infrastructure?

1. The growing strategic importance for secondary, or regional aviation hubs for the Australian tourism industry has been steadily growing for the last 10 years. Darwin, to name one port, has seen a 24% increase in international traffic in the 10 year period ending December 2007². Darwin is slowly emerging as the gateway into Australia for Asian owned airlines interested in increasing their share of the tourist market into Australia.

2. With growing numbers of passengers comes growing expectations around quality of service and security. According to the ACCC, revenue at Darwin Airport is up 221% since 2001 but the consumer watchdog ranks the airport second lowest in the country for service³. ACCC Chairman, Mr Graeme Samuel, stated on release of the study that

“the ACCC has observed airports continuing to benefit from strong growth in passengers and increasing prices. This has allowed airport operators to increase the profitability of their aeronautical services, even though many of them have reported rising costs. However, the profit performance of the airports does not appear to be related to the quality of service they provide.”⁴

The challenge for regional airports like Darwin is to compliment growth with added security and infrastructure to ensure long term growth and customer satisfaction.

² Bureau of Infrastructure, Transport and Regional Economics, Monthly Airport Traffic Data: Jan 1997 to Dec 2007

³ ACCC *Airport monitoring report for price monitored airports; Quality of service, price monitoring and financial reporting 2006-07*, Released 13th March 2008

⁴ <http://www.accc.gov.au/content/index.phtml?itemId=813102>

3. This lack of investment in regional ports is symptomatic of some alarming industry trends. The consistent increase in passenger numbers over the last 10 years has not translated into investment in aviation infrastructure. The previous Federal Government wasted the opportunity to provide investment in capacity and security in regional ports. Subsequently, boosts in regional aviation travel have become a source of short-term revenue rather than a conjunction of revenue and investment in infrastructure for future revenue growth. Increased passenger numbers in regional hubs more than warrants national investment in increased levels of security, safety and capacity in order to sustain growth and customer satisfaction in the regional aviation market.

4. Those who live and work in regional areas, serviced by secondary hubs, have the right to be able to access a minimum number of flights providing them access to primary hubs. Tourists should also be allowed the opportunity to provide income to regional tourist areas made accessible through air travel. Seasonal downturns are allowing aviation operators the excuse to undermine regional economies by cancelling services to regional areas.

5. Growing numbers of international and domestic travellers into regional airports dictates a need for a change of current security provisions. At present security is sporadic and under funded in regional ports. A cohesive set of minimum standards for security and safety, informed by the Wheeler Report, is essential. These security and safety benchmarks need to be enforceable and monitored if the lapses in service and safety are to be eradicated at regional airports.

6. Minimum levels of standards will not only ensure the safety and quality of service expected by customers but will also supply a flow on effect for safety at primary hubs. At present the unscreened freight, baggage and travellers transiting through regional hubs are arriving at primary hubs, compromising the effectiveness of safety provisions at primary hubs, to the detriment of the industry as a whole.

7. The previous Government's lack of foresight over funding of regional airports needs to be rectified. Schemes like the Federal Government's Regional Airport Grants Scheme have proved themselves ineffectual. Grants for CCTV cameras and fencing under this scheme have been under resourced and misconceived. This lack of investment is compounded by the policy of privatisation endorsed by the Liberal Government for the last 12 years. The commercial imperatives of airline operators have discouraged investment in infrastructure at regional hubs to the long-term detriment of the aviation industry. The new Federal Government must rectify the lack of investment in safety, national security and capacity at regional airports.

8. Under the previous Government, corporations responsible for operating airports, i.e. SACL and APAC, moved away from prioritising investment in long term projects that increase capacity and security for travellers, instead concentrating on value added services like parking and retail. Returning to a model of investing in projects directly increasing safety, security and capacity for the Australian aviation industry will prove greater long-term benefits for the aviation industry. It would be of benefit to the industry to allow independent industry bodies like the Industrial Relations Commission and Unions to scrutinise these contracts to ensure compliance to safety and security.

9. The Transport Workers Union believes that the owners of aviation infrastructure have a greater role to play in the enforcement of safety, security and employment conditions measures at Australian airports. Positioned at the top of the contracting chain, infrastructure owners like SACL and APAC, have an onus to ensure that when runway space is leased to aviation operators that it regularly audits airline procedures to ensure that all activities at Australian airports are adhering to a set of standards relevant to the national interest. Aviation infrastructure owners have the opportunity to make positive change to standards at Australian airports through contracting standards. This opportunity should be exercised in conjunction with bodies appointed by the Federal Government.

1.4 Addressing skills needs in the aviation industry

- What strategies should the industry adopt to attract, retain and plan for their future skills needs to remain competitive in a tight labour market, and how can these be improved?
- What are the long-term training needs for the Australian aviation industry? Where will the future pressures lie? How do we ensure the industry remains internationally competitive in retaining key staff and in attracting new entrants to the workforce?
- How should the Australian Government and industry work together to ensure the needs of the aviation industry are taken into account in its broader skills framework?

1. Skill shortages in the aviation industry threaten to pose limitations on the amount of growth the industry can expect. While the skill shortages are predominantly being reported amongst pilots, engineers and air traffic controllers, examples of difficulty in recruiting and worker retention in areas such as ground handling and catering have been underreported. In Brisbane, Perth and Sydney major airline operators have experienced difficulties attracting new employees to fill vacancies in ground handling and catering.

2. Qantas has been fortunate to experience moderate levels of worker retention in TWU areas. When employees are asked why they choose to remain working for the company there is almost a unanimous response, it is due to the benefits they receive that compensate them for the unsociable and undesirable working conditions. Without the incentive of penalty rates, allowances and discounted air travel as a condition of employment then the attractiveness of working in the industry would compromise the ability to attract skilled workers into the industry.

3. Workchoices legislation has seen the eroding of working conditions in the Australian aviation industry. Howard's industrial relations agenda has placed significant pressure on employment conditions, compromising worker retention and job security. The eroding of these conditions is not in the national interest, considering the importance of aviation to national security and the economy. What is required from the Federal Government is a national aviation award protecting a set of minimum employment conditions for aviation employees. This award should be instigated through the current workplace reform agenda being conducted by the Federal Government.

4. Competition and the current industrial landscape is negatively impacting skills retention and new entrants into the aviation market by forcing airlines to compete over spending on security, safety and employment entitlements. The only way that the aviation industry is going to attract a skilled, reliable workforce is through providing a uniform industrial environment that is sustainable to both employer and employee.

5. A high incidence of workplace injury plagues ground handling operations in the aviation industry. Occupational health and safety surveys conducted by the TWU in September 2007 show that 31% of ground handling staff surveyed had been injured in the 12 months preceding the survey. Of those injured exactly 30% were absent from work for longer than a week due to injury. When surveyed as to what the major contributing factors to injury were 84.9% of those surveyed believed workloads were unrealistic due to low staffing levels. Aviation statistics show us that manual handling of luggage and aircraft has increased significantly with the increase in traffic numbers while staffing numbers have declined in TWU worksites.

6. The rate of injury at Australian airports is creating skills gaps as employees either leave the industry or are forced to take time off work to heal injuries. The Transport Workers Union recommends a determination be made on safe staffing levels and OH&S systems at Australian airlines to ensure low manning levels do not compromise safe working practises at Australian Airports.

7. Under current national OH&S regulations, the recommended weight limit for regular heavy lifting is 16 kilograms. Qantas allows for bag limits to be set at 32 kilograms, potentially doubling the weight of the thousands of pieces of luggage Qantas employees handle. The Transport Workers Union is calling for a luggage weight limit of 20 kilograms so that aviation industry standards are in line with national occupational health and safety standards.

8. Major airlines have resorted to labour hire to fill the gaps created by injury to the detriment of safety, security and quality of service. While there has to be some provisions for seasonal fluctuations in traffic, little work has been done to ensure that regular seasonal variations are not accounted and prepared for. The continued use of labour hire makes the aviation industry reliant on a transient source of employment that pushes down wages and conditions, making the industry less appealing for an already sceptical workforce.

9. Australian courts have made it very clear that both labour hire agencies and host companies (a business which uses labour hire staff are termed 'host companies') have a duty to ensure the health, safety and welfare of labour hire workers. The documented reality is that most labour hire agencies do not have the capacity to fulfil those duties and host companies continuously disregard OH&S laws.⁵ This creates a competitive disadvantage for those companies trying to comply with OH&S laws and a lack of incentive to continue providing appropriate OH&S coverage for their employees, further pushing down conditions.

10. There are difficulties faced by labour hire companies in discharging OHS obligations. Being responsible for thousands of workers in thousands of different work sites at any one time combined with workers belonging to dozens if not hundreds of different occupations makes it problematic for labour hire companies to effectively provide adequate risk assessment, induction, training and supervision.

⁵ Peter Ankucic v Drake Personnel, Drake Personnel v Workcover, Workcover Authority (NSW) v Anytime Industrial Services Pty Ltd, Guillarte v Intergrated Group Ltd,

11. The difficulty for labour hire agencies is exacerbated by the precarious forms of employment through which workers are typically engaged. If demands are made to address OHS problems there is the possibility of clients choosing to take their custom elsewhere.

12. The growing number of cases where labour hire agencies have been fined as a result of serious incidents raises questions about whether large leasing firms can actually undertake adequate risk assessment and control for the diverse and shifting array of workers needed for aviation, and whether the regulatory mechanisms are effectively engaging, and protecting the OHS of labour hire workers.

13. Labour hire workers have every reason to be afraid of raising OHS issues when clients have the ability to remove them from the workplace with no provisions for explanation. While labour hire workers are entitled to participate in committees and HSR elections, evidence suggests that they are usually underrepresented and inspectorates have done little to vet compliance in this regard.

14. The short-term nature of temporary employment can also affect employers attitudes about providing adequate induction and training and ensuring that contingent workers are represented by HSRs or on workplace committee's.

15. Labour hire baggage handlers are responsible for conducting security sensitive operations with little to no training. Untrained in any security emergency response procedures and fearing for their jobs, baggage handlers have had to deal with suspicious packages on several occasions⁶. In one incident labour hire baggage handlers were instructed to clear a suspicious package on United Airlines Flight 840. Qantas employee of 17 years George Oie said "I spoke to the guys after the incident. They said that management told them that they didn't have to clear the plane, but if they didn't their contracts would not be renewed."

⁶ July 2004 – United Airlines flight 840, Sydney International Airport
August 21, 2006 – Pacific Blue flight 737, Sydney International Airport

16. Labour hire is of detriment to the long term skills needs of the aviation industry. Investment in training and professional development is an important start. An enforceable, mandatory training package is essential. The current training package offered by the Department of Infrastructure Transport Regional Development and Local Government, is a non-compulsory training package. This is not an effective response to the training needs of the airport workforce, nor is it an effective response to the commercial realities of industry stakeholders. The Transport Workers Union recommends that a national training package for employees in the aviation industry dealing with safety and security be introduced and made compulsory and that this packaged be constructed and delivered in conjunction with appropriate industry representatives including union representatives.

17. The TWU recommends that if the aviation industry is to address the current lack of investment in a sustainable workforce in aviation then it must remove itself from the dependence on temporary workers and create industry wide uniformity in security and safety training, addressing the competitive forces currently providing incentive to outsource, dragging down safety and security in the Australian aviation.

3. Aviation safety

- Should the governance arrangements for CASA be strengthened to better support the role of the safety regulator?
- How can CASA strengthen the way it relates to industry while meeting the community expectations of a firm regulator?
- What changes could be made to improve how Australia's aviation safety agencies work together?
- What steps can the aviation industry as a whole take to ensure it maintains safety standards as it grows and diversifies?
- What steps should be taken to ensure Australia maintains a high standard of aviation safety in the context of global developments?

3.1 Safety Regulation and Regulatory Reform

1. Experience in the aviation industry has shown the TWU that unless a core set of strong, properly resourced and enforceable standards are set then airline operators will only comply with the minimum of requirements. Any changes to Safety Management Systems should not include reducing standards in favour of greater 'flexibility' for business operators.

2. The governance arrangements for CASA must be strong enough to ensure that CASA's role as a safety regulator has force. CASA must engage with industry stakeholders and representative bodies so that our safety regulator fully comprehends the diverse and rapidly changing threats to safety that the industry, the aviation workforce and the travelling public face. Tri-partite involvement is an opportunity for CASA to learn where safety regulations can be strengthened.

3. Chain of responsibility legislation states that those who contract work are responsible to ensure the safety of those who conduct that work. The onus for safety in the aviation industry must come under those corporations that operate airports, and profit substantially from leasing out infrastructure to airlines. The Transport Workers Union recommends that corporations like SACL and APAC have responsibility for the safety of employees working in the airports they control. This responsibility needs to be enforced with strong uniform laws, with financial ramifications for those corporations that do not ensure airlines meet the strictest of safety provisions for their employees.

4. The trend for self-insurance for occupational health and safety in aviation is creating alarming standards in health and safety for employees. Companies under schemes like Comcare have an appalling record in reporting of accidents, injury times and intimidation of workers. Self-insuring creates an environment where the processes involved in reporting and rehabilitation for injured employees is surpassed by the commercial interests of the operator. The aviation sector would benefit from removing itself from self-insurance schemes so that the occupational health and safety provisions can be independent and of true benefit to employees.

5. At present there are a number of Australian aviation safety agencies with overlapping jurisdiction and responsibilities. Such overlap is a waste of resources. The aviation industry would be best served by a single agency that has jurisdiction over the entire industry and has the capacity to effect real and positive change for operators and employees.

6. TWU members experience and notice safety breaches on a daily basis. The lack of enforcement and reporting procedures by aviation employers often means the only avenue employees have to report such breaches is through the TWU. Members tell accounts of fellow employees being punished or being labelled as nuisance when reporting such incidences, with consequences ranging from reduced shifts to limited capacity for promotion. Fear of reprisal for alerting employers to safety hazards and safety breaches must be eliminated from the OHS reporting system if the aviation industry is to improve industry safety standards.

7. In an industry where there is growing outsourcing, the introduction of labour hire workers has put safety reporting in decline. The precarious nature of labour hire employment means that labour hire employees are often afraid of reporting safety breaches in case contracts are withdrawn without explanation. Labour hire agencies do not want to have reputations as OHS watchdogs as this can reduce their capacity to win contracts. Therefore there is a disincentive to report OHS problems. This only serves to exacerbate safety risks at Australian airports. The

8. The Transport Workers Union recommends that the Aviation White Paper stop the decline in safety and security standards by instigating industry wide prohibitions on the use of labour hire in the aviation industry. If labour hire is not prohibited then mechanisms need to be introduced to limit the damage that labour hire is having on aviation safety and security. In conjunction with this, an inquiry should be conducted by the Federal Government on the impact labour hire is having on security, safety and employment conditions.

5. Aviation security

- Could Australia improve its approach to protecting air travellers from threats while facilitating quick and efficient travel? How can we improve the system to improve both security outcomes and passenger facilitation through airports?
- What can be done by Government and industry to achieve greater international harmonisation of aviation security measures?
- Should aviation security remain the key focus for Government and industry?
- Is enough being done to enhance security in the aviation sector?
- Is the security infrastructure at airports adequate?
- Should we expect the same security technology standards from all airports regardless of location, the traffic levels at the airport, and the costs?
- How can we improve/optimize passenger screening arrangements within Australia?
- Has enough been done to enhance air cargo security? Are there alternative approaches to air cargo security that should be examined?
- Is the Australian approach to air cargo security consistent with the highest international standards?
- What can be done to improve the robustness and timeliness of background checks, particularly for applicants from overseas?
- Should the ASIC eligibility criteria be further strengthened?
- What should be the relationship between 'background checking' of staff and access control arrangements?

1. The training and briefing of aviation staff is essential for improving security outcomes. Currently, almost the entire airport workforce is still yet to be provided with even the most basic training on how to deal with suspect packages, emergency evacuation and security procedures. The Transport Workers Union recommends that a national training package for employees in the aviation industry dealing with safety and security be introduced and made compulsory and that this package be constructed and delivered in conjunction with appropriate industry bodies including union representatives.

2. This message is reiterated in the Wheeler report recommendation number 12 which states:

“It is recommended that the Attorney-General's Department work with The State and Territory Governments to require that private security officers in the aviation industry, including those responsible for screening at airports, be background-checked, licensed, and trained to more adequate minimum national standards and that the Department of Transport and Regional Services require that there is a more comprehensive training programme for all security-related airport staff.”

3. Of further concern is the non-effective, non-compulsory training package which the Department of Infrastructure Transport Regional Development and Local Government has provided to industry stakeholders. Airport employees have been crying out for a mandatory universal anti-terrorism training package for over six years. A non-compulsory training package is not an effective response to the training needs of the airport workforce. For any training package to be effective there must be tripartite involvement in its formation and delivery.

4. At present Australia is selective about the International Civil Aviation Organization (ICAO) security standards adhered to, with significant lapses in national security training. To ensure that Australia is not commercially disadvantaged it must comply with all ICAO standards. With the security requirements constantly changing due to global developments, all levels of Government and industry must work closely together to monitor any airline operators that are not complying with ICAO standards.

5. As stated earlier in this submission, there is a pressing need for a single coordinating body to deal with aviation safety and security in Australia. This would ensure that there are consistent and uniform security management systems, standards, protocols and procedures, including appropriate workplace training, across the Australian aviation industry. A central body would also facilitate greater communication between enforcement agencies such as the State Crime Commission, ASIO, AFP and industry stakeholders.

6. The structure of pyramid contracting which occurs at the airport makes it even more important that there is a single agency coordinating airport security. Currently WorkCover, Customs, SACL, Australian Federal Police, many different security companies, employers and contracting employers all have a role to play in implementing security arrangements, allowing inconsistency in aviation security. Provisions need to be made to monitor the issuing of security contracts at Australian airports. Infrastructure owners like SACL need to be more active in ensuring safety and security provisions are included in contracts they control. An inquiry needs to be made regarding pyramid security contracting at Australian airports to ensure that responsibility for standards applies to those who profit from the awarding of these contracts.

7. Despite recommendation 13 of the Wheeler report the screening of persons entering and leaving airside secure areas has not been implemented in a nationally consistent manner. Recommendation 13 states:

“It is recommended that the Department of Transport and Regional Services prepare regulations so that airports ensure that all those entitled to enter airside secure areas at CTFR airports in connection with work responsibilities should be subject to screening each time they enter, and potentially subject each time they leave, the secure area.”

Such an ad hoc approach to the security of one of the most sensitive areas within Australia’s major airports is disturbing. The TWU recommends there be a comprehensive review of security access to airside secure areas by employees, contractors and labour hire.

8. The quality of passenger screening is still not adequate. On June 18 2007 in an effort to raise awareness of the poor security measures in place at Australian airports a Liberal Party Senator carried a knife through security at Canberra airport. The TWU recommends that passenger screening needs to be increasingly thorough. Regular reviews of screening procedures, equipment and training need to be conducted by CASA in conjunction with security employees.

9. Recommendation 14 of the Wheeler Report states:

“It is recommended that the Australian Government require that the screening of cargo be expanded and include mandatory screening of all cargo on passenger aircraft where passengers checked baggage is screened.”

This basic recommendation that all air cargo travelling on passenger aircraft is screened is still yet to be implemented. This means that freight is being loaded onto passenger jets around Australia without being checked for explosives or contraband.

10. It is alarming that passengers' carry-on and checked baggage is screened while cargo travelling on the same flight is not. Considering that more than 80% of domestic air freight travels on passenger jets there should be stringent screening practises. Australia is dependent on aviation, as a nation we should be pioneers in best practise, rather than just adhering to basic standards in air cargo screening.

11. The ASIC system poses problems for the security of the Australian aviation industry. The greatest failing of the ASIC system is the number of loopholes that allow access to restricted areas without background checks. This predominantly occurs because of contracted staff, labour hire and the 6-8 week waiting period for background checks while applicants are given unfettered access airside.

12. London's Heathrow airport has implemented comprehensive screening procedures for all airport employees and temporary staff, however Australia is still allowing temporary employees access to restricted areas without an ASIC pass. The Federal Government's own Auditor General's Report into Aviation Security in 2003 found that the use of temporary staff (contractors) at airports compromised the security chain of command. Up to 25% of labour hire employees currently working at the airport are not ASIC checked. They are covered through a temporary visitor pass whilst their application is being processed. These employees could have any number of infringements that renders them unsuitable for security clearance, but under the current system the authorities do not know for up to two months. It is not uncommon for Labour hire employees responsible for security to work under visitor passes for up to six months, thus working without background checks throughout this period. This demonstrates the inability by ASIC to provide appropriate security screening of aviation employees and contractors. If Australia is dedicated to ensuring comprehensive national security for the aviation industry then it must rectify the problems with the ASIC security clearance procedures, providing timely screening for all employees in security sensitive areas.

13. Examples in this lapse in security are not isolated to one airport. Contracted labour is also being used on the airside in baggage and freight handling by companies like Virgin and Qantas. There are no background checks performed with these passes. In Queensland a flight catering operation of labour hire workers were found to be working without any security clearance at all, not even a temporary visitor pass.

14. Aviation security should remain a key focus for Government and industry. It would only take one terrorist activity on Australian soil for the economic viability of the Australia airline industry and the Australian tourism industry to be put in jeopardy. Attention should be paid to the areas of weakness in aviation security. The lack of national consistency in staff training, the weaknesses of the ASIC system, regional airports security and the screening of freight on passenger flights must be an imperative of Australia's aviation security requirements.